REMARKS

In the June 8, 2011 Office Action, claims 1-8 and 10 stand rejected in view of prior art, while claims 1-8 stand rejected, as being indefinite. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the June 8, 2011 Office Action, Applicant has amended the claims 1 and 10 and added new claims 11 and 12, as indicated above. Thus, claims 1-8 and 10-12 are pending, with claims 1 and 10 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Claim Rejections - 35 U.S.C. §112

On page 3 of the Office Action, claims 1-8 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicant has amended claim 1 to clarify claims 1-8.

Specifically, the Office Action indicates that the recitation "setting extend of deviance of a destination, and controlling the movement object which moves from the pint to the destination after been deviated" is unclear. In response, Applicant has amended claim 1 to recite "setting deviance in a trajectory of the moving object between the point and the destination, and controlling the moving object which moves from the point to the destination on the basis of the deviance." Applicant respectfully asserts that the deviation is now clearly in the trajectory between the point and the destination.

Applicant believes that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 103

On pages 4-13 of the Office Action, claims 1, 3, 4, and 7-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,494,783 (Namba) in view of Japanese Patent Application Publication No. 2001-129249 (Hoshino). On pages 13-16 of the Office Action, claims 2, 5, and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Namba in view of Hoshino and U.S. Patent Application Publication No. 2005-0153764 (Sterchi).

In response, Applicant has amended claim 1 to recite, at least:

the code for setting point of dispatching the moving object including code for setting and controlling the deviation of the moving object in the trajectory **on the basis of the dispatching form, and the point of dispatching the moving object** when the dispatch operation of the character is continuously displayed on the monitor.

Namba was cited in the Office Action to reject claim 1 by showing a first request receiving function, an operation display function, a second request receiving function, a moving objet control function, and a moving object display function. The Office Action indicates, however, that Namba does **not** appear to teach setting the deviance of the moving object as claimed. Hoshino was cited in the Office Action to show that a non-transitory computer readable medium used with a device that controls the ease with which a player pushes a button to throw a ball character and stop a pitcher's ball control based on limits of a success range display maintain a player's interest over the baseball game due to increasing the player's concentration when controlling the pitcher's ball becomes more difficult for poor

pitch types versus becoming easier for pitch type favorites of the pitcher character. However, Applicant respectfully asserts that the claimed invention is non-obvious.

As Applicant has amended claim 1, the deviation of the moving object in the trajectory is based on the **dispatching form** of the character and the point of dispatching. Hoshino appears to teach a pitching control meter 54, as translated, in which a success range display 57, as translated, is configured. It appears that if a player succeeds to locate a control cursor 53, as translated, in the success range display 57, the ball will go in a way which the player intended. However, it also appears that if the player missed in locating the control cursor 53 in the success range display 57, the ball will go either higher or lower than intended. Therefore, Applicants believes that Hoshino is **silent** with regards to the dispatching form of the character. In fact, Applicant believes that none of the prior art of record teaches the dispatching form. Therefore, Namba, Hishino, Sterchi, nor any combination thereof renders the claimed invention obvious.

Under U.S. patent law, the mere fact that the prior art can be modified does **not** make the modification obvious, unless an **apparent reason** exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create Applicants' unique arrangement of the computer readable medium.

As claim 10 similarly recites to claim 1, Applicant respectfully asserts that claim 10 is also allowable for the same or similar reasons stated above.

Moreover, Applicant believes that dependent claims 2-8 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, claims 2-8 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that the rejections be withdrawn in view of the above comments and amendments.

New Claims

Applicant has added new claim 11 and 12.

Claim 11 recites that the character has an ability in dispatching, and that the code for setting point of dispatching the moving object includes code for setting and controlling the deviation of the moving object in the trajectory on the basis of the dispatching form, the point of dispatching the moving object when the dispatch operation of the character is continuously displayed on the monitor by the operation display function, and the ability. Applicant respectful asserts that the prior art of record **fails** to teach setting and controlling to deviation on the basis of the dispatching form, the point, and **the ability**.

Claim 12 recites that the video game is a baseball video game, that the character is a pitcher in the baseball video game, that the moving object is a ball of the baseball video game, and that the ability is **a kind of pitch** which the pitcher throws. Applicant respectfully asserts that the prior art of record **fails** to teach the kind of pitch.

Further, Applicant respectfully asserts that claims 11 and 12 are further allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, claims 11 and 12 are further allowable because they include additional limitations.

Examination of new claims 11 and 12 is respectfully requested.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-8 and 10-12 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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